

## REMARKS

### Introduction

Claims 1-3, 5-8 and 10-24 are pending in this application, of which claims 1, 6 and 17 are independent. Claims 5 and 10 have been amended to correct informalities in the claim language. Claims 1 and 6 have been amended to incorporate the limitations of original claims 4 and 9, respectively, and additional subject matter. Accordingly, claims 4 and 9 have been cancelled without prejudice. Claims 11-24 have been added. It is respectfully submitted that because no new matter is introduced by this amendment, this amendment should be entered.

### Claims Rejected Under 35 U.S.C. § 102

Claims 1, 4 and 5 have been rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,142,073 (Agneus et al.). This rejection is traversed for at least the following reasons.

In the Advisory Action dated May 14, 2009, the Examiner asserts that although the first plastic film 1 (i.e., the alleged second insulating film) does not physically contact the lower surface of the second plastic film 2 (i.e., the alleged first insulating film), the lower surface is still covered by the first plastic film. Applicants respectfully disagree.

Applicants respectfully submit that when a first film “covers” a surface of a second film, the first film must be disposed *on* or *over* the surface of the second film. See the attached copy from online dictionary of Encarta®, which clearly defines that “cover” means “putting something *over* something else.” However, in Agneus, the first plastic film 1 is not disposed on or over the lower surface (the surface contacting to the alleged first electrode 3) of the second plastic film 2. It is noted that the bending portions of the plastic film 1 are not disposed *over* the lower surface of the second plastic film 2.

As such, it is clear that, at a minimum, Agneus fails to disclose “a second insulating film formed so as to cover upper, lower and side surfaces of the first insulating film” as recited by claim 1. Accordingly, claim 1 and dependent claim 5 are patentable over Agneus. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 5 under 35 U.S.C. § 102 (b).

**Claims Rejected Under 35 U.S.C. § 103**

Claim 1 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,490,220 (Loeppert) in view of U.S. Patent No. 7,039,202 (Takeuchi). Claim 6 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Publication No. 2002/0181725 (Johannsen et al.) in view of U.S. Patent No. 7,039,202 (Takeuchi). Claim 6 was also rejected under 35 U.S.C. § 103 (a) as being unpatentable over Agneus et al. These rejections are traversed for at least the following reasons.

Applicants respectfully submit that amended claims 1 and 6 now recite, among other features, “the second electrode, the first insulating film, and the second insulating film compose a vibrating film.” It is clear that, at a minimum, Takeuchi fails to disclose this feature of amended claims 1 and 6 since the alleged second electrode, first insulating film and second insulating film are formed on a silicon substrate and does not compose a vibrating film. Further, regarding Agneus, it is clear that Agneus fails to disclose the elements of claim 6 as set forth above in traversing the rejection under 35 U.S.C. § 102(b). It is also clear that none of other cited references cure these deficiencies of Takeuchi or Agneus.

Based on the foregoing, claims 1 and 6 are patentable over the cited references. Since claims 2, 3, 5, 7, 8 and 10 depend upon claims 1 or 6, these dependent claims are also patentable over the cited references for at least the same reasons as claims 1 and 6.

**New Claims**

Since new claims 11-16 depend upon claims 1 or 6, these claims are patentable over the cited references for at least the same reasons as claims 1 and 6. Applicants also submit that none of the cited references disclose the elements of claim 17, claim 17 and all claims dependent thereon are patentable over the cited references.

**Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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## Dictionary

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## cover



cov·er [ kúvvər ]

verb (*past and past participle cov-ered, present participle cov-er-ing, 3rd person present singular cov-ers*)

### Definition:

1. *transitive verb* **put something over something else:** to put something over the whole of or the upper surface of something, e.g. in order to hide, protect, or decorate it

2. *transitive verb* **be all over something:** to lie across or in a layer over the whole of or the upper surface of something

- rocks covered with seaweed*

3. *transitive verb* **keep somebody warm:** to put something such as a blanket over or around somebody for warmth

- She covered him with the quilt.*

4. *transitive verb* **be wrapped around something:** to be lying over or wrapped

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Dictionary

around somebody to provide warmth  
• *She was covered only by a thin blanket.*

5. *transitive verb* **put clothing on:** to put a piece of clothing on part of your own or somebody else's body  
• *Keep your head covered if you're going out.*

6. *transitive verb* **be worn on body:** to be worn on part of the body

7. *transitive verb* **put lid on something:** to put a lid or protective covering over something

8. *transitive verb* **talk or write about something:** to deal with a subject in a discussion, speech, book, or article  
• *His talk covered several aspects of corporate law.*

9. *transitive verb* **provide news of something:** to be responsible for reporting, videotaping, or photographing an event or a particular class of events for a newspaper or a broadcasting company  
• *covers foreign affairs for a cable channel*

10. *transitive verb* **include instance:** to take something into account and provide an adequate treatment of it  
• *The law only covers commercial vehicles.*

11. *transitive verb* **extend over area:** to include the whole of an area, either physically or as a field of operations or responsibility  
• *an office complex covering three blocks*  
• *a long-term development blueprint covering the whole city*

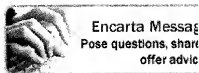
12. *transitive verb* **travel distance:** to travel a particular distance

13. *transitive verb* **hide something:** to conceal a feeling, action, or situation by presenting a different appearance or directing attention elsewhere  
• *covered my mistake by changing the subject*

14. *transitive verb* **INSURANCE insure somebody:** to provide insurance protection to somebody

15. *transitive verb* **INSURANCE insure against**

- "Nature's Most Amazing Events" on Channel
- Mom's Homeroom: Learn ways to succeed in school
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- MSN Careers: Nail that job interview
- Today's news on MSNBC



MSN Shopping



**Spring Shop**

Spring Fashion for  
Spring Fashion for  
Spring Home Décor  
Colors for the Home

**something:** to provide insurance protection against a type of hazard or risk

16. *transitive verb* **pay for something:** to be sufficient to pay for something

- *\$20 should cover it.*

17. *transitive verb* **protect somebody or something from attack:** to protect somebody, a part of an army, or a piece in chess or another game from attack by occupying a position nearby

18. *transitive verb* **aim gun at somebody or something:** to have a person or place in the aim or range of a gun, especially in order to provide protection against a possible attack

19. *transitive verb* **watch somebody or something:** to maintain a watch on or a patrol of something, e.g. to track somebody's movements

- *covered the rear exit to block their escape*

20. *Intransitive verb* **do somebody's job:** to do the work of somebody who is absent for a time

- *He's covering for me while I'm away.*

21. *intransitive verb* **tell lies for somebody:** to keep people from learning the real truth about somebody

- *covered for him by lying*

22. *transitive verb* **MUSIC record new version of song:** to record a new version of a song that was first sung or made popular by another performer

23. *transitive verb* **SPORTS defend area against opponent:** to play defense against a particular opponent or in a particular position or area on a playing surface

24. *transitive verb* **CARD GAMES play higher card:** to play a card that has a higher value than one already played by somebody else

25. *transitive verb* **GAMBLING match another gambler's bet:** to match the amount of money bet by another gambler

**26. transitive and intransitive**

**verb FINANCE buy replacement stock:** to buy shares of stock or commodities in order to replace others that have been borrowed from a broker and sold with the expectation that the price will fall

**27. transitive verb ZOOLOGY copulate with**

**female:** to copulate with a female animal, especially a mare ( *refers especially to stallions* )

noun (plural cov·ers)

**Definition:**

1. something that covers something: one thing that hides, protects, or covers something else, or is used to cover something

2. lid: something that covers the top of a container, e.g. a lid

3. binding of book or magazine: the protective binding, thick paper, or boards at the front and back of a book or magazine

4. cloth that covers furniture: a cloth or plastic covering for bedding or a piece of furniture

5. shelter from weather: shelter from the weather, or the providing of shelter from the weather

6. shelter from danger: concealment or protection, especially that provided by undergrowth where animals can hide or by a shelter from attack

- *took cover under the trees*

7. vegetation: the plants that cover an area of land

8. defense against attack: protection provided, especially to an attacking force, by other forces located nearby or in the air

- *air cover*

9. **protective pretense:** a false identity or a pretext that provides protection for somebody such as a spy or detective

10. **substitutes for workers:** people who are available to do other people's jobs when they are absent

- *24-hour emergency cover*

11. **place set at table:** a place set at a table, e.g. in a restaurant

- *covers laid for 16 guests*

12. **COMMERCE**

*Same as* cover charge

13. **U.K. INSURANCE**

*Same as* coverage (sense 2)

14. **MUSIC new recording of well-known song:** a recording by a performer of a song that was first sung or popularized by another performer

15. **STAMPS envelope:** a postmarked envelope

plural noun cov-ers

**Definition:**

**coverings on bed:** the sheets, blankets, and other coverings on a bed

[13th century. Via Old French *covrir*< Latin *cooperire* "cover completely" < *operire* "to cover"]

- cov-er-a-ble *adjective*
- cov-er-er *noun*
- cov-er-less *adjective*

**blow somebody's cover** to expose a disguise, lie, or pretense that somebody has been using to conceal something

**under cover of something** hidden or protected by something



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